

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ **AUG 02 2018** ★

LONG ISLAND OFFICE

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MARTIN DEKOM, on behalf of the little people, :

Plaintiff, :

-against- :

FANNIE MAE, *et al.*, :

Defendants. :

-----X  
JOSEPH F. BIANCO, District Judge:

ORDER  
17-CV-2712 (JFB) (ARL)

On July 16, 2018, Magistrate Judge Lindsay held an in-person conference with the parties during which all defendants consented to plaintiff's submission of the Third Amended Complaint and agreed to withdraw the pending motions to dismiss, with leave to renew based on the claims set forth in the Third Amended Complaint. As a result, Magistrate Judge Lindsay recommended in a detailed Minute Order (ECF No. 164), that the Court dismiss as moot (1) plaintiff's motion to require the Clerk's Office to issue summonses and to require the United States Marshals Service to effectuate service of the First Amended Complaint (ECF No. 51); (2) defendants' pending motions to dismiss (ECF Nos. 64, 65, 75, 103, 121, 123, 146); (3) plaintiff's motion to correct a clerical error (ECF No. 94); (4) plaintiff's motions for sanctions (ECF Nos. 97, 98, 99); (5) plaintiff's motion regarding the Third Amended Complaint and related briefing schedule for anticipated motions to dismiss (ECF No. 155); and (6) plaintiff's motion for reconsideration of the Court's Order concerning plaintiff's submission of the Third Amended Complaint (ECF No. 160). The Minute Order provided that any objections to the dismissal of the above-referenced submissions were to be filed within fourteen days of service of the Minute Order. (ECF No. 164 at 3.)

To date, none of the defendants has objected to Magistrate Judge Lindsay's recommendation that the above-referenced submissions be dismissed as moot.

On July 23, 2017, plaintiff submitted a letter containing certain objections to the Minute Order as well as certain further applications to the Court. (ECF No. 166.) Plaintiff does not object to the recommendation that the above-referenced submissions be dismissed as moot. To the contrary, in accordance with the Minute Order, plaintiff requests to withdraw his submissions identified above (ECF Nos. 51, 94, 97, 98, and 99, 155 and 160). He further requests to withdraw his June 28, 2018 motion for a more definite statement (ECF No. 145), which the Minute Entry noted was incorrectly filed as a motion. Accordingly, IT IS HEREBY ORDERED that the submissions located at Docket Numbers 51, 64, 65, 75, 94, 97, 98, 99, 103, 121, 123, 145, 146, 155 and 160 are dismissed as moot.<sup>1</sup>

Plaintiff's letter does object to the briefing schedule agreed to by the parties at the July 16, 2018 conference for anticipated motions to dismiss the Third Amended Complaint. In light of plaintiff's *pro se* status, the Court will grant plaintiff's request for additional time to oppose defendants' motions. Accordingly, IT IS FURTHER ORDERED that the parties shall abide by the following briefing schedule:

- (1) Defendants' motions to dismiss are due August 9, 2018;
- (2) Plaintiff's opposition is due September 24, 2018;
- (3) Defendants' replies are due October 1, 2018;
- (4) Plaintiff's sur-reply is due October 11, 2018.

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<sup>1</sup> Plaintiff's letter additionally requests to "withdraw the motion 53 for a default cert." However, the submission located at Docket Number 53 is plaintiff's second Motion to Disqualify the Undersigned. Given this ambiguity in plaintiff's request, and in an abundance of caution, the Court will not terminate the submission located at Docket Number 53.

Finally, plaintiff objects to the Minute Order's statement that plaintiff may not submit any additional amended pleadings or seek leave to amend his pleadings until the Court has had an opportunity to address the anticipated motions to dismiss the Third Amended Complaint. Plaintiff states that that he "will seek leave to amend once I can quantify the additional damages inflicted by Nationstar, Gross Polowy, the Nassau County Clerk, and any new party assisting." (ECF No. 166 at 1-2.) As a threshold matter, to clarify Magistrate Judge Lindsay's Minute Order, plaintiff is not barred from filing a motion to amend his pleadings under the Federal Rules of Civil Procedure, and may do so here. However, the Court agrees with Magistrate Judge Lindsay that requiring defendants to respond to any motion to amend the pleadings during the pendency of the briefing and decision on the anticipated motions to dismiss the Third Amended Complaint would unfairly prejudice defendants. Accordingly, the Court intends to hold any such filings in abeyance until the anticipated motions to dismiss are decided.

Dated: August 2, 2018  
Central Islip, New York

SO ORDERED.

  
Joseph F. Bianco

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Joseph F. Bianco  
United States District Judge